

**BEFORE THE ARIZONA BOARD OF
OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

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| IN THE MATTER OF: |) | Case No. 2986 |
| |) | |
| EUGENE HANNIBAL PARDI, D.O. |) | |
| Holder of License No. 2221 for the |) | AMENDED BOARD ORDER FOR |
| practice of osteopathic medicine in the |) | PROBATION |
| State of Arizona. |) | |
| _____ |) | |

INTRODUCTION

This matter came before the Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") for consideration and decision at the Board's public meeting held on January 19, 2002. Pursuant to its statutory authority at A.R.S. § 32-1855(E), the Board held an hearing to consider reactivation of a suspended medical license under a probationary status on January 19, 2002. During the course of these proceedings, Eugene Pardi, D.O. (hereinafter "Respondent") was present and not represented by legal counsel.

Based upon Respondent's testimony and documentary evidence submitted to the Board, the board issues the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent is a licensee of the Board and the holder of License No. 2221 for the practice of osteopathic medicine in the State of Arizona. Respondent's Board license is currently subject to a Board Order for continued Suspension of his license dated December 8, 2001. Respondent has had his license previously summarily suspended on November 29, 1996. Respondent is not currently licensed with the U.S. Drug Enforcement Agency ("DEA") to prescribe controlled substances.

2. On June 27, 1998, The Board voted in a public meeting to authorize the Executive Director to sign and issue a Stipulated Consent Order regarding Respondent which follows hereinafter.

3. Information was brought to the attention of the Board that Respondent may be medically and/or psychologically unable to safely and skillfully engage in the practice of medicine and/or may have committed one or more acts of unprofessional conduct as defined in A.R.S. § 32-1854:

- a. On or about August 17, 2001 the Board received information that Respondent had relapsed by abusing OxyContin. Respondent admitted to the relapse and stated that he had been abusing OxyContin daily for six months. Respondent also admitted that he avoided drug detection in his random urine drug screens by either having his own clean urine or his children's stored and then heated up the urine prior to the screen. Respondent also admitted to obtaining the OxyContin by forging another physician's signature and using presigned prescription blanks that he stole from the office of the other physician. Respondent admitted that he would write the prescriptions in the name of his mother, sister and brother.

4. In public session, the Board voted on August 20, 2001 to send this matter to a Formal Administrative Hearing due to Respondent's failure to comply with the Board's Order and that Respondent was unable to competently and safely engage in the practice of medicine and was an immediate threat to the health, safety and welfare of the public. Respondent's medical license was summarily suspended pending the formal administrative hearing.

5. On or about August 22, 2001, Respondent entered into treatment at Springbrook Northwest ("Springbrook") regarding his impairment and relapse. Respondent was treated and discharged from Springbrook on November 15, 2001.

6. In public session on December 8, 2001, the Board voted to move this matter from Administrative Hearing to an Investigative Hearing. Respondent was present and not represented

by legal counsel. The Board voted to continue Respondent's medical license under suspension and impose a five (5) year Probation with terms and conditions.

7. The Board held an interview with Respondent during public session on January 19, 2002 at Respondent's request for reinstatement of his medical license under terms and conditions of Probation.

CONCLUSIONS OF LAW

1. Pursuant to Arizona Revised Statutes § 32-1800, et seq., the Arizona Board of Osteopathic Examiners in Medicine and Surgery has subject matter and personal jurisdiction in this matter.

2. The Board has the authority to enter into a stipulated order for final disposition of this case, pursuant to A.R.S. § 41-1061(D), A.R.S. § 32-1855 and A.R.S. § 32-1861(D).

3. The Respondent originally engaged in unprofessional conduct as defined in A.R.S. § 32-1854 by violating federal and state statutes and regulations concerning the use and/or possession of controlled substances and violating the Board's Order of Probation.

ORDER

Pursuant to the authority vested in the Board, **IT IS HEREBY ORDERED THAT:**

1. Eugene Hannibal Pardi, D.O. ("Respondent") is continued under **PROBATION** for five (5) years and shall comply with the terms and conditions of probation as set forth herein:

2. Respondent's **PRESCRIBING PRIVILEGES ARE RESTRICTED**. Respondent is not currently licensed with the U.S. Drug Enforcement Agency ("DEA") to prescribe controlled substances,

3. Respondent shall not actively practice medicine for more than one-shift (no more than ten hours) per week.

4. From the date of this Order, Respondent shall obtain psychiatric or psychological treatment by a therapist(s) who is either a licensed psychiatrist and/or psychologist and is selected by Respondent and approved by the Board. Respondent shall comply with the therapist recommendation for the frequency of therapy treatment sessions. Respondent shall inform the Board by letter (mailed within ten days of the date of this Order) of the therapist's name; and, Respondent shall undertake and fully cooperate with a program of treatment established by the therapist. In the event Respondent changes therapists, he shall give the Board written notice within ten (10) days of said action. Respondent shall not discontinue or reduce the frequency of psychotherapy sessions unless he has submitted a written request to the Board and obtained Board approval.

5. Respondent's therapist(s) shall receive a copy of this Order and Board staff shall disclose all relevant information in the Board's files concerning Respondent which shall remain confidential. The treating therapist shall be directed by Respondent to send to the Board a written progress report every month for the remainder of the probation; and Respondent, shall waive any confidentiality concerning his psychotherapy in order that the Board may receive full disclosure of information. The expense of the aforementioned therapy and the reports to the Board by Respondent's therapist shall be the sole responsibility of the Respondent.

6. Respondent shall provide a copy of this Order and any subsequent Orders to all facilities where Respondent is currently (or subsequently) employed as a physician and/or has (or subsequently receives) privileges to engage in the practice of medicine; and, Respondent shall continue to make the aforementioned disclosure and provide copies of this Consent Order until the

expiration of this Order. Respondent shall also provide a copy of this Order to all treating physicians, dentists and all medical practitioners (i.e. Nurse Practitioners, Physician Assistants, etc.).

7. Respondent shall abstain completely from the consumption of alcoholic beverages; and, Respondent shall not consume illicit drugs or take any controlled substances or any substances containing alcohol (i.e., prescription only drugs), unless such medication is prescribed for him by his treating physician. Respondent shall maintain a monthly log (for the duration of probation) of all prescription only drugs taken by him and such log shall include the following information:

- (a) the name of the medication;
- (b) name of prescribing physician;
- (c) reason for the medication.

At the first of each month, Respondent shall report by letter to the Board whether or not he is taking any prescription only medication and, if so, a copy of his log reflecting the above information.

8. Respondent shall also, as part of his probation: (A) submit to and cooperate in any independent medical or psychological evaluation that is ordered by the Board for Respondent and conducted by the Board's designated physician and/or psychologist which shall be paid for by Respondent; and (B) appear before the Board, upon receipt of a request by written or telephonic notification from the Board's executive director which shall be given at least five (5) days prior to the Board meeting; and, (C) submit to random biological fluid testing and promptly provide (i.e., within sixty (60) minutes of notification) required biological fluids for testing and said testing shall be done at the Respondent's expense.

9. Respondent shall obtain a sponsor and participate in a minimum of three (3) self-help meetings per week through such organizations as A.A., N.A., S.A. or doctor's Caduceus group.

10. This Order shall supersede and replace all prior orders of the Board concerning Respondent.

11. Respondent shall provide current residence and work addresses and phone numbers within ten days of any relocation. In the event Respondent ceases to reside in Arizona, he shall give written notice to the Board of his new residence address within twenty (20) days of moving; and, the terms and duration of probation may be stayed by the Board until Respondent returns to Arizona.

12. Respondent shall participate with all the requirements of the Board's Impaired Physician Program and attend all required meetings.

13. Respondent shall continue to meet all licensing requirements such as continuing medical education and renewal requirements including applicable fees pursuant to A.R.S. § 32-1825.

14. The Board's Executive Director shall send correspondence to the appropriate state and/or federal law enforcement agency disclosing information in the Board's possession which may establish criminal misconduct by Respondent, i.e., illicit use of controlled substances and obtaining controlled substances illegally.

15. Respondent may have his license to practice as an osteopathic physician restricted, suspended or revoked by the Board in the future if:

(A) The Board finds that Respondent does not have the requisite mental, physical and emotional fitness to safely continue the practice of medicine; or,

(B) There are new grounds for finding unprofessional conduct concerning Respondent; or,

(C) Fails to comply fully with the terms and conditions of this Order pursuant to
A.R.S. § 32-1854(26).

16. Respondent will reimburse the Board for all expenses directly incurred in connection with the investigation, hearing and continuing monitoring of this matter within thirty (30) days of receipt of the bill/statement of costs from the Board's Executive Director.

ISSUED this 6th day of February, 2002.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

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